

114TH CONGRESS  
2D SESSION

# S. 1915

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## AN ACT

To direct the Secretary of Homeland Security to make anthrax vaccines available to emergency response providers, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “First Responder An-  
3 thrax Preparedness Act”.

4 **SEC. 2. VOLUNTARY PRE-EVENT ANTHRAX VACCINATION**  
5                   **PILOT PROGRAM FOR EMERGENCY RE-**  
6                   **SPONSE PROVIDERS.**

7       (a) PILOT PROGRAM.—

8           (1) ESTABLISHMENT.—The Secretary of Home-  
9 land Security, in coordination with the Secretary of  
10 Health and Human Services, shall carry out a pilot  
11 program to provide eligible anthrax vaccines from  
12 the Strategic National Stockpile under section  
13 319F–2(a) of the Public Health Service Act (42  
14 U.S.C. 247d–6b(a)) that will be nearing the end of  
15 their labeled dates of use at the time such vaccines  
16 are made available to States for administration to  
17 emergency response providers who would be at high  
18 risk of exposure to anthrax if such an attack should  
19 occur and who voluntarily consent to such adminis-  
20 tration.

21       (2) DETERMINATION.—The Secretary of Health  
22 and Human Services shall determine whether an an-  
23 thrax vaccine is eligible to be provided to the Sec-  
24 retary of Homeland Security for the pilot program  
25 described in paragraph (1) based on—

1           (A) a determination that the vaccine is not  
2 otherwise allotted for other purposes;

3           (B) a determination that the provision of  
4 the vaccine will not reduce, or otherwise ad-  
5 versely affect, the capability to meet projected  
6 requirements for this product during a public  
7 health emergency, including a significant reduc-  
8 tion of available quantities of vaccine in the  
9 Strategic National Stockpile; and

10          (C) such other considerations as deter-  
11 mined appropriate by the Secretary of Health  
12 and Human Services.

13          (3) PRELIMINARY REQUIREMENTS.—Before im-  
14 plementing the pilot program required under this  
15 subsection, the Secretary of Homeland Security, in  
16 coordination with the Secretary of Health and  
17 Human Services, shall—

18           (A) establish a communication platform for  
19 the pilot program;

20           (B) develop and deliver education and  
21 training for the pilot program;

22           (C) conduct economic analysis of the pilot  
23 program, including a preliminary estimate of  
24 total costs and expected benefits;

1 (D) create a logistical platform for the an-  
2 thrax vaccine request process under the pilot  
3 program;

4 (E) establish goals and desired outcomes  
5 for the pilot program; and

6 (F) establish a mechanism to reimburse  
7 the Secretary of Health and Human Services  
8 for—

9 (i) the costs of shipment and trans-  
10 portation of such vaccines provided to the  
11 Secretary of Homeland Security from the  
12 Strategic National Stockpile under such  
13 pilot program, including staff time directly  
14 supporting such shipment and transpor-  
15 tation; and

16 (ii) the amount, if any, by which the  
17 warehousing costs of the Strategic Na-  
18 tional Stockpile are increased in order to  
19 operate such pilot program.

20 (4) LOCATION.—

21 (A) IN GENERAL.—In carrying out the  
22 pilot program required under this subsection,  
23 the Secretary of Homeland Security shall select  
24 not fewer than 2 nor more than 5 States for  
25 voluntary participation in the pilot program.

1 (B) REQUIREMENT.—Each State that par-  
2 ticipates in the pilot program under this sub-  
3 section shall ensure that such participation is  
4 consistent with the All-Hazards Public Health  
5 Emergency Preparedness and Response Plan of  
6 the State developed under section 319C–1 of  
7 the Public Health Service Act (42 U.S.C.  
8 247d–3a).

9 (5) GUIDANCE FOR SELECTION.—To ensure  
10 that participation in the pilot program under this  
11 subsection strategically increases State and local re-  
12 sponse readiness in the event of an anthrax release,  
13 the Secretary of Homeland Security, in coordination  
14 with the Secretary of Health and Human Services,  
15 shall provide guidance to participating States and  
16 units of local government on identifying emergency  
17 response providers who are at high risk of exposure  
18 to anthrax.

19 (6) DISTRIBUTION OF INFORMATION.—The  
20 Secretary of Homeland Security shall require that  
21 each State that participates in the pilot program  
22 under this subsection submit a written certification  
23 to the Secretary of Homeland Security stating that  
24 each emergency response provider within the State  
25 that participates in the pilot program is provided

1 with disclosures and educational materials des-  
2 ignated by the Secretary of Health and Human  
3 Services, which may include—

4 (A) materials regarding the associated ben-  
5 efits and risks of any vaccine provided under  
6 the pilot program, and of exposure to anthrax;

7 (B) additional material consistent with the  
8 Centers for Disease Control and Prevention's  
9 clinical guidance; and

10 (C) notice that the Federal Government is  
11 not obligated to continue providing anthrax vac-  
12 cine after the date on which the pilot program  
13 ends.

14 (7) MEMORANDUM OF UNDERSTANDING.—Be-  
15 fore implementing the pilot program under this sub-  
16 section, the Secretary of Homeland Security shall  
17 enter into a memorandum of understanding with the  
18 Secretary of Health and Human Services to—

19 (A) define the roles and responsibilities of  
20 each Department for the pilot program; and

21 (B) establish other performance metrics  
22 and policies for the pilot program, as appro-  
23 priate.

24 (8) REPORT.—

1           (A) IN GENERAL.—Notwithstanding sub-  
2           section (c), not later than 1 year after the date  
3           on which the initial vaccines are administered  
4           under this section, and annually thereafter until  
5           1 year after the completion of the pilot program  
6           under this section, the Secretary of Homeland  
7           Security, in coordination with the Secretary of  
8           Health and Human Services, shall submit to  
9           the Committee on Homeland Security and the  
10          Committee on Energy and Commerce of the  
11          House of Representatives and the Committee  
12          on Homeland Security and Governmental Af-  
13          fairs and the Committee on Health, Education,  
14          Labor, and Pensions of the Senate a report on  
15          the progress and results of the pilot program,  
16          including—

17                   (i) a detailed tabulation of the costs to  
18                   administer the program, including—

19                           (I) total costs for management  
20                           and administration;

21                           (II) total costs to ship vaccines;

22                           (III) total number of full-time  
23                           equivalents allocated to the program;  
24                           and

- 1 (IV) total costs to the Strategic  
2 National Stockpile;  
3 (ii) the number and percentage of eli-  
4 gible emergency response providers, as de-  
5 termined by each pilot location, that volun-  
6 teer to participate;  
7 (iii) the degree to which participants  
8 complete the vaccine regimen;  
9 (iv) the total number of doses of vac-  
10 cine administered; and  
11 (v) recommendations to improve ini-  
12 tial and recurrent participation in the pilot  
13 program.

14 (B) FINAL REPORT.—The final report re-  
15 quired under subparagraph (A) shall—

- 16 (i) consider whether the pilot program  
17 required under this subsection should con-  
18 tinue after the date described in subsection  
19 (c); and

- 20 (ii) include—

- 21 (I) an analysis of the costs and  
22 benefits of continuing the program to  
23 provide anthrax vaccines to emergency  
24 response providers;



1                   (II) an explanation of the eco-  
2                   nomic, health, and other risks and  
3                   benefits of administering vaccines  
4                   through the pilot program rather than  
5                   post-event treatment; and

6                   (III) in the case of a rec-  
7                   ommendation under clause (i) to con-  
8                   tinue the pilot program after the date  
9                   described in subsection (c), a plan  
10                  under which the pilot program could  
11                  be continued.

12       (b) DEADLINE FOR IMPLEMENTATION.—Not later  
13 than 1 year after the date of enactment of this Act, the  
14 Secretary of Homeland Security shall begin implementing  
15 the pilot program under this section.

16       (c) SUNSET.—The authority to carry out the pilot  
17 program under this section shall expire on the date that  
18 is 5 years after the date of enactment of this Act.

Passed the Senate November 16, 2016.

Attest:

*Secretary.*

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